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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

5SR-6J

FEB 27 1991

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Wolverine World Wide, Inc.  
9341 Courtland Drive, NE  
Rockford, MI 49351

Re: General Notice of Potential Liability and Follow Up Request for Information Pursuant to Section 104(e) of CERCLA for Butterworth #2 Landfill Superfund Site (the Site) in Grand Rapids, MI

Dear Sir/Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced Site, and is planning to spend public funds to control and investigate these releases. The action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq., (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), where U.S. EPA uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement.

U.S. EPA is currently planning to conduct the remedial action at the Butterworth #2 Landfill. The Site is located in Grand Rapids, Kent County, Michigan, about one mile southwest of the Grand Rapids downtown area. Its approximate boundaries are the Grand River on the south, Interstate 196 on the west, Butterworth Street on the north and Consumers Power substation on the east. (For a current Site History, see Attachment I.)

U.S. EPA has received information that Wolverine World Wide, Inc. may have generated hazardous substances that were disposed of at the Site. Specifically, the Agency has obtained information that Wolverine World Wide, Inc. disposed of tanning chemicals, empty barrels and

sludge at the Butterworth #2 Landfill. (See Attachment II). By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party (PRP), to **reimburse the Agency for costs incurred to date and to voluntarily perform or finance the response activities that U.S. EPA has determined or will determine are required at the Site.**

As a PRP, you should notify the U.S. EPA in writing within thirty (30) days of receipt of this letter of your willingness to perform or finance the activities described above. If the Agency does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that your organization has declined any involvement in performing the response activities.

Your letter should indicated the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup action or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, U.S. EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S. C. Section 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require any person who has or may have information relevant to any of the following to furnish U.S. EPA with such information: (1) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to , a facility; (2) the nature or extent of a release or threatened release of hazardous substance, pollutant or contaminant at or from a facility; and (3) the ability of a person to pay for or perform a cleanup. Pursuant to CERCLA Section 104(e), you are requested to answer the following questions:

1. For each hazardous substance identified above, please give total volume, in gallons for liquids and in cubic meters for solids, for which you arranged for disposal and list when those substances were transported to the above referenced Site.

2. Provide copies of all records, including analytical results, shipping documents, and material safety data sheets, which indicated the identity, amounts , chemical composition and/or chemical character of the waste material(s) specifically, tanning chemicals, empty barrels and sludge that Wolverine World Wide, Inc., disposed of at Butterworth #2 Landfill.

3. Provide a schematic diagram that indicates which part of the Wolverine World Wide, Inc. operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from the

manufacture of the company's products.

4. List the contents contained in the drums before they were emptied. Describe the Chemical composition and chemical character of the contents.

5. Describe where and by what process these materials contained in the above mentioned drums were disposed.

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the operation of the above referenced Site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of at the Site. The relevant time period for this request is 1930-1980.

For the purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through, or from, the above referenced Site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification material of any kind.

This request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities and their officers, directors, and employees. The information sought herein must be sent to U.S. EPA within 30 days of your receipt of this letter. Failure to respond fully and truthfully to this request, or to adequately justify any failure to respond, may result in an enforcement action against you by U.S. EPA under Section 104 of CERCLA, as amended. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request however, that any such information be handled as confidential business information. (See Attachment III.) A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the Agency. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to U.S. EPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify the Agency. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. Section 1001. (See Attachment IV.) The U.S.

EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

Your response should be sent to:

Marsha Adams  
U.S. EPA - Region V, SM-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604

If you need further information regarding this letter, you may contact Marsha Adams, at (312) 353-9484. Direct any legal questions to Leslie A. Kirby, of the Office of Regional Counsel at, (312) 886-7166.

Sincerely,

James N. Mayka, Chief  
Remedial Response Branch 2

Attachments

cc: Rob Franks, MDNR

bcc: L. Kirby      ORC  
D. Orr      RPM  
C. Bohlen      FOIA

Author	RESS Sect. Chief	RPM	ORC	RRS4 Sect. Chief	RRB2 Branch Chief
<i>[Signature]</i> 2/14/97	<i>[Signature]</i> 2/18/97	<i>[Signature]</i> 2/19/97	Kirby 1/24/97	<i>[Signature]</i> 2/20/97	

## ATTACHMENT I

### SITE HISTORY ELEMENTS

The Butterworth #2 Landfill site (Butterworth) is located in Grand Rapids, Kent County, Michigan, about one mile southwest of the Grand Rapids downtown area. Butterworth is about 180 acres and its approximate boundaries are the Grand River on the south, Interstate 196 on the west, Butterworth Street on the north and a Consumers Power substation on the east. A combined storm-water outfall crosses the site. An intermittent stream is also contained on-site. The site is within the hundred year floodplain of the Grand River.

The Butterworth Landfill site was operated by the city of Grand Rapids, Michigan, and was used for both residential and industrial waste. Wastes were deposited in three general areas at the Butterworth Site. The information available indicates that, prior to 1967, the area to the east of the storm water out-fall was used as a municipal landfill. This area is referred to as the Old Butterworth Dump, or Butterworth #1. This portion of the site was operated as an open landfill where daily cover of refuse was not provided. The refuse was often burned to reduce its volume.

After the enactment of Michigan Act 87 in 1965, and consistent with the federal goal of eliminating open dumping, the Old Butterworth Dump was closed in approximately 1967. A new site, Butterworth Landfill #2, was opened to replace the Old Butterworth Dump. This new site occupied an area in the southwest corner of the site.

Later, an additional area, Butterworth #3, was opened. The combined size of Landfills #2 and #3 was about 80 acres. These areas were used by local residents and industries to dispose of wastes. Several high voltage power transmission lines pass through the middle of landfill #2 and #3. For safety reasons, land filling was not allowed in the area below these power lines. However, during the course of the field investigation, some fill material was identified in the area below the power lines. In addition, this area was allegedly used to dispose of liquid wastes such as solvents and paint sludges.

The landfill reportedly received municipal solid waste and industrial wastes. Due to the large industrial sector in the Grand Rapids area, industrial waste input to the landfill may have accounted for a significant portion of the total waste. There is some indication (based on file records) that industrial wastes disposed of at the landfill were either in drums, which were buried, or simply dumped in liquid form on the working surface. Other disposal methods, if any, are unknown. Records indicate that from 1967-1971 about 3000-4000 cubic yards of waste per day were received at the landfill.

The landfill was situated on existing native soils at the site. The available data does not show whether a liner or seal material (such as clay) was used prior to initial fill operations. It is reported that a clay dike was constructed around portions of the landfill at some point during its operation. However, the landfill materials are presumed to have been primarily materials that existed on-site.

In 1988 surface soil and test pit assay conducted located a hot spot of polychlorinated biphenyls (PCBs) at actionable levels. A removal action was initiated to address this contamination and was completed in June 1990. The Remedial Investigation and Feasibility Study completed in 1991 indicates surface soils and ground water are contaminated with volatile and semivolatile organics, pesticide and PCB compounds and inorganics. The Record of Decision (ROD) was signed in September 1992. The ROD concluded that site soils present a danger to human health and the environment because of the risks from possible inhalation, ingestion or dermal contact. In addition, the site poses a threat to ground water that discharges into the Grand River. The ROD proposed action to eliminate the threat consisting of improving the landfill cover, establishing Alternate Concentration Limits (ACL's) and a monitoring program for the ground water discharging into the Grand River. Design for these activities began in February 1993 and should be completed in May 1997.

## **ATTACHMENT II**



AFFIDAVIT

STATE OF MICHIGAN )

COUNTY OF KENT )

SS.

I, \_\_\_\_\_ being first duly sworn, do depose and say that:

1. I am currently employed as a truck driver for Michigan Waste Systems, Inc. ("MWS").

2. I started my employment as a driver in 1962 with Evert Folkertsma Refuse Service ("Folkertsma") (which was later acquired by MWS in 1972, and merged into MWS in 1973).

3. I am personally aware of the facility known as the Butterworth Landfill.

4. In the course of my duties as an employee of both Industrial Disposal and MWS, I hauled waste from the following customers of Folkertsma and MWS for disposal at the Butterworth Landfill:

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Wolverine Worldwide

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5. The wastes which I hauled from . for disposal at the Butterworth Landfill included ink and paper.

6. The waste which I hauled from for disposal at the Butterworth Landfill included chrome, chemicals, foundry dirt and oil, sludge and smelly chemicals.

7. The wastes which I hauled from S for disposal at the Butterworth Landfill included needles, trash, bloody materials, and red and green bags.

8. The wastes which I hauled from disposal at the Butterworth Landfill included chemicals of all kinds, bags, and barrels.

9. The wastes which I hauled from . for disposal at the Butterworth Landfill included foundry dirt, oily shavings, trash, lumber, foundry slag and cardboard.

10. The wastes which I hauled from Or r disposal at the Butterworth Landfill included sludge (yellow and green in color), paper and trash.

11. The wastes which I hauled from Wolverine Worldwide for disposal at the Butterworth Landfill included tanning chemicals, shoes, hides and empty barrels.

12. The wastes which I hauled from . l for disposal at the Butterworth Landfill included needles, trash, bloody materials, and red and green bags.

13. The waste which I hauled from . or disposal at the Butterworth Landfill included paint, lacquer spray cans, paper and lumber.

14. The wastes which I hauled from s for disposal at the Butterworth Landfill included sewer manhole sludge and city garbage.

15. The wastes which I hauled from for disposal at the Butterworth Landfill included brass shavings, oily shavings, foundry dirt and paper.

16. The waste which I hauled from . r disposal at the Butterworth Landfill included nickel, foundry dirt, chemicals, sludge and oily shavings. The chemicals burned my eyes and were smelly.

17. The wastes which I hauled from for disposal at the Butterworth Landfill included needles, trash, bloody materials, and red and green bags.

18. The wastes which I hauled from for disposal at the Butterworth Landfill included lacquer, aluminum coils, copper tubing and skids.

19. The wastes which I hauled from the other companies mentioned in paragraph 4 above consisted of general trash and refuse from those companies' operations.

Subscribed and sworn to before me  
this 2nd day of February, 1990.

Bradley A. Carl

Notary Public, Wayne County, MI  
My Commission Expires: Acting in Kent County

BRADLEY A. CARL  
Notary Public, Wayne County, Michigan  
My Commission Expires February 17, 1993

CONFIDENTIAL INVESTIGATIVE  
MEMORANDUM

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Interview.

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, former Grand Rapids city employee, now retired, was contacted at his residence on June 7, 1991. He was advised that Orion Management International had been retained to restructure the events and use of the landfill site known as the Butterworth Disposal site. He provided the following:

He began employment with the City of Grand Rapids as a laborer in the Forestry Division of the Parks Department in 1960. He remained at that job until 1963 when he transferred to the Sanitary Waste Department and was assigned to the Butterworth Landfill as a booth attendant and bulldozer operator. He remained at Butterworth until 1972 when he was loaned by the City of Grand Rapids to act as foreman to the Kent County Landfill at Kentwood, Michigan, where he served until 1977. Thereafter, he returned to the City of Grand Rapids and worked for the Street and Water Department until retiring in October 1990.

In early 1963, he was approached by . who originally hired him, and who later became superintendent of the Butterworth Landfill in 1963. As a result of his being acquainted with . stated he was offered a position as a booth attendant by . and remained at the Butterworth site for approximately 9 years, until the latter part of 1972. remained as superintendent of the landfill for approximately 10 months when he transferred to the Street Department and was replaced by . on also were booth attendants. . City of Grand Rapids in the Water Department. ever actually worked at the Butterworth site, but was a clerk in the billing department for the Refuse Department, and had the responsibility of sending out statements monthly to those companies and individuals who had authority to charge for dumping in the landfill.

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A former bulldozer operator at the landfill, is currently employed by the City of Grand Rapids also in the Street Department. also a former bulldozer operator, received some type of disability from the City and, reportedly, lives in the rural area south of Grand Rapids.

was not aware of the present location of who worked at the Butterworth Landfill for a couple of years then quit his employment with the City of Grand Rapids. became the supervisor having the responsibility over the Butterworth Landfill which was supervised in its day-to-day operations by Joswick.

1. Stated he worked as a booth attendant for approximately four (4) years and, during that time, came to know many of the haulers as well as the individuals who utilized the dump on a fee basis. Many of the larger corporations, as well as the larger hauling companies, had 30-day credit accounts; otherwise, 50% - 60% of the individuals and companies using the landfill paid cash, being charged by volume per cubic yard. Basically, the charge would be for the size of the vehicle which was entering the landfill area.

During the time he worked as a bulldozer operator, the usual procedure was for the haulers or people disposing of waste and trash to dump it in the area where the bulldozer operators were working. They, in turn, would pile it up and later run over the waste products to compact them as far down as they could. After the compacting was completed, sand was brought in and, approximately, 6 inches of sand was then spread out over the top of the daily deposits of trash and other landfill items. After the landfill was closed, he and the other bulldozer operators, would usually remain to spread out the sand over the top of the daily intake.

In the mid-1980s, he and were contacted by personnel from the EPA in an attempt to help the EPA identify location of barrels of liquids and other volatile material on the 86 acre

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Interview,

cont.:

site. He remembered taking the representatives from the EPA, along with Renard, and pinpointing the possible locations where these barrels were buried, as well as the vinyl, which was brought into the landfill from , was dumped. He stated the barrels, as he recalled, contained sludge with a paint mixture.

identified the following companies as firms who utilized the Butterworth Landfill and, where possible, identified the type of material that was disposed of at the landfill. Additionally, he stated which companies hauled their own waste to the landfill and which companies used an outside disposal firm:

- Metals Plant, Wyoming, Michigan)
- t, and
- Disposed of barrels of paint thinner (40 at a time on their own truck), vinyl, and plastic. Landfill was used at least once per week and, occasionally, general trash hauled by a commercial disposal company.
- S Disposed of paints, liquids, and sludge; picked up from private companies in the Grand Rapids area and used the landfill at least once a week. It is believed that this company, after area landfills were cited, entered into the septic tank cleaning business and possibly located in Wyoming, Michigan.
- disposal of sludge brought to the landfill in a company enclosed truck.

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Disposed of old lumber obtained from wrecking buildings, including plumbing fixtures, metals, etc. This company later merged with Pitch Company, which is still in business. Much of their waste was brought by their own trucks and occasionally by outside haulers.

waste products included liquids, and sludge, which were brought in barrel containers at least twice a week, in their own company vehicles.

waste brought to the landfill by outside hauler.

Medical and general trash brought to the landfill by an outside hauler.

Waste hauled in their own vehicles which usually included metal and paint sludge.

Waste debris brought to the landfill by the company's own vehicles.

waste brought in form of paint and sludge, as well as general trash, in the company's own enclosed truck.

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waste brought in by private hauler.

Waste brought to the site by an outside hauler, usually consisted of plastics, metal, etc.



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Interview, \_\_\_\_\_

(nt.):

Medical and general trash brought to the site by Kamp Brothers Trash Haulers.

- Trash consisted of shingles and roofing products brought to the site by their own trucks.

- Wolverine Worldwide

Trash consisted of material from their tannery, leather scraps and sludge, brought to the site in their own vehicles.

- Construction material scraps brought in their own vehicles.

- Construction materials brought in their own vehicles.

- Scrap consisted of cardboard and general waste products brought from their plant at Market Street and Godfrey in their own truck.

- Trash consisted of bread dough, as well as, general shop scrap brought to the site by their own vehicles, and a private hauler.

- Waste material brought by a private hauler.

- Scrap consisted of metals, wood and general trash brought to the site in their own trucks.

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Scrap brought to the site by private haulers, as well as, company's own truck, consisting of metal parts and insulation.

Scrap brought to the site by their own company truck.

- Trash brought to the site by their own vehicles.

- Trash consisting of items that had been stored, furniture, personal goods, etc., brought to the landfill by their own truck.

- General trash brought to the site by their own vehicles.

- Trash consisted of a sludge paint and some metals brought by private haulers.

- Trash consisted of broken toys, cans of spoiled food, and general waste brought frequently to the site in their own truck; otherwise, picked up by a private hauler.

- Trash consisting of auto parts, scrap, and sludge, brought in their own vehicles to the site.

- Trash in the form of sludge and grease obtained from cleaning restaurant kitchens, as well as, tallow brought to the landfill in company vehicles.

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- Waste in the form of sawdust and used scraps brought in their own vehicles, as well as, a private hauler.
- Company's small truck usually brought scrap wood and general trash; otherwise, a private hauler brought their waste to the site.
- Scrap in the form of wood and metal items were brought to the site by a private hauler.
- H<sub>1</sub> - Sludge brought in from the water treatment plant and waste water treatment plant were brought to the site by the City's own vehicles. Valley Trash Disposal Company, after the closing of the Butterworth site, hauled the sludge from the water treatment plant to another landfill area. City trucks were not used for that purpose.

also identified the following companies as private, independent haulers who used the landfill when he was employed at the site:

- Ramp Brothers (Thomas, Marie and Leon)

ith one vehicle)  
with one vehicle)

downtown Grand Rapids stores) 'arge vehicle handled most of the

- R uler)

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MEMORANDUM

Interview

Cont. 1:

- 
- (Jenison area)
- (truck)
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He stated, upon further consideration, that he recalled the additional local companies utilizing the landfill while he was employed with the City of Grand Rapids:

waste consisted of construction-type debris, and company's own truck usually hauled their waste to the landfill.

Trash hauled through a private company.

Usually brought their own trash in the form of broken glass and general trash in their own vehicle.

- : Trash brought in their own vehicles.

- Debris and trash brought in their own vehicle.

- Trash in the form of construction waste, lumber, metals, etc. brought in their vehicles.

ated when he initially started at the landfill, the rate of charges was \$.25 for a pick-up truck and \$.50 for those with a trailer. Prior to his working at the landfill, in 1963, the landfill had been a "free dump" and anyone and everyone could use the dump regardless of the content of their loads. Thereafter, the

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Q.1:

the City established rates and eventually charged by the cubic yard and size of the truck that was entering the premises.

He also stated that in the early 1960's, the City built a large metal-type tepee which had an incinerator in it. Much of the trash from the landfill was pushed inside the tepee, and a fire was burning, day and night. On one occasion, who was operating the bulldozer and pushing in the trash, apparently had a barrel of naphtha which had been compacted into the trash. When it hit the heat, it exploded and threw him backwards out of his seat and into the landfill area itself.

After a couple of years, the City stopped burning the trash but continued to pile it up and compact it daily. The sand used to spread over the trash was obtained from a large sand and gravel area owned by Georgia Pacific Company, a short distance from the landfill itself. Usual activity at the landfill, because of the slow activity at the landfill, would send 8 to 10 trucks out to bring back quantities of this sand. He believed that 6 inches of coverage were the requirement of the Department of Natural Resources for the State of Michigan.

was not familiar with any firm known as Muskegon, or any other possible chemical firm in that which would have utilized the Butterworth Landfill. He thought that perhaps the Stoddard Liquid Waste Haulers, who did use the site, possibly might have some knowledge of above company.

He was unable to recall further pertinent information at this time.

### ATTACHMENT III

#### CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (U.S. EPA or Agency) is requesting. You can not withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 et seq require that the U.S. EPA afford you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985).] If no such claim accompanies the information when the U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCLA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the U.S. EPA to treat the information or record as "confidential", you must advise the U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph and sentence. You must make a **separate** assertion of confidentiality for **each response** and **each document** that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential", and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;

2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;
4. Whether the U.S. EPA or other federal agency have made a pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination.
5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information.
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of the U.S. EPA to obtain similar information in the future.
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. 2.208(e), **the burden of substantiating confidentiality rests with you.** The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as "confidential", your comments will be available to the public without further notice to you.

## ATTACHMENT IV

### DESCRIPTION OF LEGAL AUTHORITY

The federal Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, et seq. (commonly referred to as **CERCLA** or **Superfund**) gives U.S. EPA the authority to, among other things: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by each site, and, 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604 (e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability to pay the costs of the clean-up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. Section 1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements.



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION V  
SUPERFUND DIVISION  
PROGRAM MANAGEMENT BRANCH**

DATE: 2/18/97

TO	NAME	SIGN/DATE
	ORIGINATOR <i>Marsha A. Adams</i>	<i>[Signature]</i> 2/18/97
	SECTION CHIEF <i>Thomas C Marks</i>	<i>DM</i> 2/18/97
	DEBORAH ORR ENVIRONMENTAL ENGINEER	<i>DORR</i> 2/19/97
	BILL BOLEN, CHIEF REMEDIAL RESPONSE SECTION	<i>[Signature]</i> 2/19/97
	JAMES MAYKA, CHIEF REMEDIAL RESPONSE BRANCH	<i>[Signature]</i> 2/24/97

☒ RETURN TO SENDER    DUE DATE    /    /   

COMMENTS:

5M-55

P 303 687 921



**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Wolverine World Wide Inc.  
9341 Courtland Drive, NE  
Rockford, MI 49351

CRUTTER, M. ADAMS  
PS Form 3800, June 1991

Certified Fee	1.01 1.10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom Date, and Address	
TOTAL Postage & Fees	1.10
Postmark or Date	27 1997 ST USPO

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to:**

Wolverine World Wide Inc.  
9341 Courtland Drive, NE  
Rockford, MI 49351

**4a. Article Number**

P 303 687 921

**4b. Service Type**

- |   |   |
|---|---|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input checked="" type="checkbox"/> Insured   |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

**7. Date of Delivery**

**5. Received By: (Print Name)**

**6. Signature: (Addressee or Agent)**

X

**8. Addressee's Address (Only if requested and fee is paid)**

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.